

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JUDICIAL WATCH, INC., et al.,)	
)	
Plaintiffs,)	
)	
v.)	1:12-cv-800-WTL-TAB
)	
J. BRADLEY KING, et al.,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO MODIFY CASE MANAGEMENT PLAN

Defendants J. Bradley King and Trent Deckard, Co-Directors of the Indiana Election Division, and Connie Lawson, Indiana Secretary of State, by counsel, pursuant to Southern District of Indiana Local Rule 6.1(d), hereby move the Court to modify certain dates in the case management plan, and in support, state as follows:

1. On November 13, 2012, this Court approved the parties' case management plan submitted on November 1, 2012.
2. The case management plan included the following dates:
 - a. All expert and non-expert discovery necessary for the dispositive motions shall be completed by September 11, 2013.
 - b. All parties shall file and serve their final witness and exhibits lists on or before September 12, 2013.
 - c. Dispositive motions shall be filed by October 11, 2013.

Those deadlines have not passed.

3. The defendants submit that there is good cause to request that these dates be modified.

4. Specifically, the plaintiffs filed a motion for an extension of time to file their expert report. The defendants did not oppose that motion, and the Court granted the plaintiffs' request for an extension of time to file their expert report by June 26, 2013.

5. The defendants filed a motion for an extension of time to file their expert report. The plaintiffs did not oppose that motion, and the Court granted the plaintiffs' request for an extension of time to file their expert report by September 23, 2013.

6. Therefore, as the defendants' report is not due until September 23rd, the defendants' request that, for the sake of judicial efficiency, the deadlines related to the dispositive motion be moved in order to accommodate the parties' expected intention to complete discovery regarding the respective experts.

7. The defendants further request that the deadlines be moved due to the reasons stated in the defendants' renewed motion for an extension of time to file the expert report, including unexpected personal obligations and state government processes related to expert witness approval. Additionally, one of the attorneys assigned to this matter for the defendants recently left the Office of the Attorney General, and new counsel has been assigned.

8. Finally, the defendants request that the Court grant this motion because the parties would then have additional time to try to resolve this case short of continued litigation.

9. Thus, the defendants request that the following amended dates be approved:

- a. All expert and non-expert discovery necessary for the dispositive motions shall be completed by October 23, 2013.
- b. All parties shall file and serve their final witness and exhibit lists on or before October 24, 2013.
- c. Dispositive motions shall be filed by November 22, 2013.

10. The defendants do not anticipate requesting any further modifications to the case management plan or extensions of time.

11. Undersigned counsel spoke to one of the plaintiffs' attorneys, Chris Fedeli, on September 11, 2013. Mr. Fedeli stated that the plaintiffs object to the modification of the case management plan.

12. Trial is currently scheduled to begin on May 19, 2014. Thus, the defendants do not anticipate that the modification of the specified dates, specifically the extension of the dispositive motion deadline, would affect any dates related to pre-trial conferences and related deadlines or trial itself.

Therefore, pursuant to Southern District of Indiana Local Rule 6.1(d), the defendants respectfully request that the case management plan be modified.

Respectfully submitted,

GREGORY F. ZOELLER
Indiana Attorney General
Attorney No. 1958-98

By: /s/ Jefferson S. Garn
Jefferson S. Garn
Deputy Attorney General
Attorney No. 29921-49

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of September, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to the counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Paul J. Orfanedes
JUDICIAL WATCH, INC.
porfanedes@judicialwatch.org

Chris Fedeli
JUDICIAL WATCH, INC.
cfedeli@judicialwatch.org

David R. Langdon
LANGDON LAW LLC
dlangdon@langdonlaw.com

Joshua B. Bolinger
LANGDON LAW LLC
jbolinger@langdonlaw.com

/s/ Jefferson S. Garn
Jefferson S. Garn
Deputy Attorney General

Office of the Indiana Attorney General
Indiana Government Center South, 5th Floor
302 W. Washington Street
Indianapolis, IN 46204-2770
Telephone: (317) 232-6292
Fax: (317) 232-7979
Email: jefferson.garn@atg.in.gov